

1040300



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 500  
DENVER, COLORADO 80202-2405

Site East Helena  
File # 1.04.03.00  
Confidential: Yes ☐ No ☒  
Admin. Record: Yes ☒ No ☐  
Key Words/Comments: Sec. 104 request  
for information from  
ASARCO regarding zinc  
plant.

APR 5 1990

Ref: 8RC

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

ENVIRONMENTAL PROTECTION  
AGENCY

APR 10 1990

MONTANA OFFICE

Copy sent to  
Bob Dent

Mr. Jon C. Nickel  
Industrial Quality Manager  
ASARCO Incorporated  
Box 1230  
East Helena, MT 59635

Re: Request For Information  
Pursuant to Section 104 of  
CERCLA for the East Helena  
Smelter Site in East Helena,  
Montana

Dear Mr. Nickel :

As you are aware, the United States Environmental Protection Agency (EPA) is currently investigating the source, extent and nature of the release or threatened release of hazardous substances, pollutants or contaminants, or hazardous wastes on or about the East Helena Smelter Site in East Helena, Montana hereinafter referred to as the "Site". This inquiry is made specifically with regard to releases from the zinc plant which ASARCO, Inc (ASARCO) purchased from Anaconda Minerals Company in 1972.

Pursuant to the authority of Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9604, as amended, you are hereby requested to respond to the following questions and supply any and all pertinent documentation.

1. Does ASARCO have any records or documentation of process fluids, lines, pipes, ditches, or other circuits that conveyed process fluids to, from, or between the zinc fuming plant and any of the present or former process ponds at the Site. If available, also provide any information regarding the constituents, in particular metals concentrations, of those fluids.
2. Does ASARCO have any records or documentation of "contact water" being produced or used in any manner

by the zinc plant, during any portion of its existence from 1927 and 1982 ? If so, what was the fate of this "contact water" ?

("contact water" is herein used to refer to any fluid used in the smelting or fuming processes that came into direct contact with metal-bearing materials or by-products of the zinc fuming processes, including washdown water or water used to suppress dust at the zinc plant)

Compliance with this information request is mandatory. Failure to respond fully and truthfully to the request within seven days of receipt of this letter, or adequately to justify such failure to respond, can result in enforcement action by EPA pursuant to section 104(e) of CERCLA, as amended. This statute permits EPA to seek the imposition of penalties up to \$25,000 for each day of continued noncompliance. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C 1001.

This information request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C 3501, et seq.

Your response to this request must be accompanied by a notarized certificate that is signed and dated by the person who is authorized by you to respond to this request. The notarized certificate must state that the response submitted to EPA is complete and contains all documents and information responsive to this request that are known to you following a complete and thorough review of all information and sources available to you. A suggested format for the notarized certificate is included with this request.

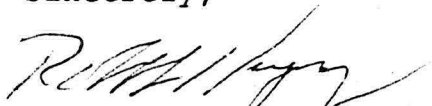
Your response to this information request should be mailed to:

Sandra R. Moreno, Esq.  
U.S Environmental Protection Agency  
Office of Regional Counsel, 8RC  
999 18th Street, Suite 500  
Denver, Colorado 80202-2405

Due to the legal ramifications of your failure to respond properly, EPA strongly encourages you to give this matter your immediate attention and to respond to this information request within the time specified above. If you have any legal or technical questions relating to this request, you may consult with EPA prior to the time specified above. Please direct legal questions to Ms. Moreno, at (303) 294-7587.

Thank you for your cooperation in this matter.

Sincerely,



Robert L. Duprey, Director  
Hazardous Waste Management Division

Enclosure

cc: D. Scott Brown, 8MO  
Michael D. Goodstein, DOJ  
Cynthia S. Leap, Holland & Hart

## NOTARIZED CERTIFICATE

I, \_\_\_\_\_, having been duly sworn and being of legal age, hereby state:

1. I am the person authorized by \_\_\_\_\_  
to respond to the Environmental Protection Agency's (EPA's) request for information concerning the East Helena Smelter Site in East Helena, Montana.
2. I have made a complete and thorough review of all documents, information, and sources relevant to the request.
3. I hereby certify that the attached response to EPA's request is complete and contains all information and documents responsive to the request.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Title)

Subscribed and sworn to me this \_\_\_\_\_ day of \_\_\_\_\_, 1990.

[SEAL]

\_\_\_\_\_  
Notary Public

My Commission Expires \_\_\_\_\_

My address is \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_